IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 19376 of 2006(F)

PETITIONER:

V.SURENDRAN, T.C.65/183(1),
SREEDURGA PUNCHACKARI ROAD, THIRUVALLAM.P.O,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAVIKUMAR

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM.

2. S.I. OF POLICE,
THIRUVALLOM POLICE STATION,
THIRUVANANTHAPURAM.

3. ICICI BANK LTD.,
VAZHUTHACAUD, THIRUVANANTHAPURAM,
REP. BY BRANCH MANAGER.

BY P.P. SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO.19376 OF 2006-F

Dated this the 15th day of June, 2007

JUDGMENT

The petitioner is an informant and complainant before the police and he has raised allegations, inter alia, under Sec.392 of the IPC. The crux of the allegations raised by the petitioner is that a vehicle which he had purchased on hire purchase agreement has been wrongly taken over possession violently by the finance company. The petitioner's complaint was not acted upon. The alleged incident took place on 29/6/06. The petitioner allegedly filed a complaint on the very same date. He filed a complaint before the superior police official on 15/7/06. He came to this Court on 21/7/06 complaining about the inaction on the part of the police. That petition came up for hearing on 25/7/06. The learned Public Prosecutor was directed to get instructions. On 7/8/06, when the matter came up, there was no representation for the

petitioner and it was directed that the case shall be called when moved again. The petitioner has now chosen to make necessary motion and this writ petition has come up before me today.

2. The learned Public Prosecutor submits that as early as on 3/11/06 a crime has been registered and the investigation is in progress. The learned Public Prosecutor submits that the needful has been done and the final report shall be filed within two months.

3. The petitioner, who has moved this Court only now, raises a grievance that the investigation is not proper. It is alleged that the investigation is not proper on the ground that the vehicle has not been seized. The learned Public Prosecutor submits that the dispute regarding possession of the vehicle is, in fact, a civil dispute. The vehicle has been located. Police have not thought it necessary to seize the vehicle. In these circumstances, the police may be given two months time to complete the investigation and file the final report.

4. On an anxious consideration of all the relevant inputs, I am satisfied that the petitioner is not entitled for any further relief at this stage.

5. This writ petition is, in these circumstances, dismissed

accepting the submission of the learned Public Prosecutor that proper investigation shall be conducted and completed and final report filed within a period of two months from this date. The liberty of the petitioner to move this Court or other appropriate courts if the said undertaking is not complied with and if a proper investigation is not conducted before filing of the final report shall remain unfettered by the dismissal of this writ petition.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge